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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,141	04/23/2001	Shuichi Shiitani	1359.1044	1624
21171	7590 09/01/2006		EXAMINER	
STAAS & H	IALSEY LLP		GART, MATTHEW S	
SUITE 700 1201 NEW Y	ORK AVENUE, N.W.		ART UNIT	PAPER NUMBER
	ON, DC 20005		3625 DATE MAILED: 09/01/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/839,141	SHIITANI ET AL.	
Office Action Summary	Examiner	Art Unit	
	Matthew S. Gart	3625	
The MAILING DATE of this communicati	ion appears on the cover sheet w	ith the correspondence address	
Period for Reply A SHORTENED STATUTORY PERIOD FOR WHICHEVER IS LONGER, FROM THE MAIL - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communica. - If NO period for reply is specified above, the maximum statutor. - Failure to reply within the set or extended period for reply will. I Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ING DATE OF THIS COMMUNI CFR 1.136(a). In no event, however, may a ation. y period will apply and will expire SIX (6) MOI by statute, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
Status			
 1) Responsive to communication(s) filed o 2a) This action is FINAL. 2b) Since this application is in condition for closed in accordance with the practice up 	☑ This action is non-final. allowance except for formal mat		
Disposition of Claims			
4) ⊠ Claim(s) 1-10 and 17-24 is/are pending 4a) Of the above claim(s) is/are w 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1-10 and 17-24 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction	vithdrawn from consideration.		
Application Papers			
9) The specification is objected to by the Example 10) The drawing(s) filed on 23 April 2001 is/s Applicant may not request that any objection Replacement drawing sheet(s) including the 11) The oath or declaration is objected to by	are: a)⊠ accepted or b)⊡ obje n to the drawing(s) be held in abeya correction is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for a a) All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International * See the attached detailed Office action for	cuments have been received. cuments have been received in A ne priority documents have beer Bureau (PCT Rule 17.2(a)).	Application No n received in this National Stage	
Attachment(s)	_		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-3) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date 	948) Paper No.	Summary (PTO-413) (s)/Mail Date Informal Patent Application (PTO-152)	

Art Unit: 3625

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/2006 has been entered.

Prosecution History Summary

- Claims 1-10 and 17-24 are pending in the instant application.
- Claims 11-16 were previously canceled.
- Claim 24 has been added per the applicant's response filed 8/09/2006.

Application/Control Number: 09/839,141

Art Unit: 3625

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes (U.S. Patent Application Publication No. 2002/0002502) in view of Shultz (U.S. Patent Application Publication 2003/0061211).

Referring to claim 1. Maes discloses an online shopping method, comprising:

- Previously generating/preparing article data in which features of an article and a
 data sending rank are related to each article picture as additional information
 (Maes: paragraph 0048 through paragraph 0050 and paragraph 0057 through
 paragraph 0059);
- Upon receiving an article search by a user, generating article picture
 arrangement data of all search resultant article pictures in which <u>similar</u> search
 resultant article pictures are disposed on a two-dimensional plane (Maes:
 paragraph 0051 through paragraph 0052 and paragraph 0059);
- Sending the article picture arrangement data to a user terminal (Maes: paragraph
 0051 through paragraph 0052 and paragraph 0059); and
- At the user terminal, displaying each of the search resultant article picture at each arrangement position on a screen of search results in a receiving order (Maes: paragraph 0054 through paragraph 0055).

Application/Control Number: 09/839,141

Art Unit: 3625

Maes does not expressly disclose an online shopping method, comprising:

- Upon receiving an article search by a user, the <u>more</u> similar the results are in the
 features, the <u>more</u> closely the results are disposed and sending the search
 resultant article pictures in accordance with the data sending rank;
- Sending the search resultant article pictures in accordance with the data sending rank; and
- At the user terminal, displaying each of the search resultant article picture at
 each arrangement position in accordance with the article picture arrangement
 data on a screen of search results in a receiving order, thereby displaying an
 article picture with a higher data sending rank earlier at the arrangement position.

Shultz discloses an online shopping method, comprising:

- Upon receiving an article search by a user, the <u>more</u> similar the results are in the
 features, the <u>more</u> closely the results are disposed and sending the search
 resultant article pictures in accordance with the data sending rank (Shultz:
 paragraph 0060);
- Sending the search resultant article pictures in accordance with the data sending
 rank (Shultz: paragraph 0061); and
- At the user terminal, displaying each of the search resultant article picture at
 each arrangement position in accordance with the article picture arrangement
 data on a screen of search results in a receiving order (Shultz: paragraph 0061)

Art Unit: 3625

thereby displaying a result with a higher data sending rank earlier at the arrangement position (Shultz: paragraph 0061).

The Examiner notes, Shultz discloses a method wherein information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user (Shultz: paragraph 0060). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

Art Unit: 3625

Referring to claim 2. Maes further discloses an online shopping method wherein the features of the article are any one selected from the group consisting 'of features of an article picture of the article, a keyword representing the features of the article, and article classification information regarding classification of the article in accordance with the features thereof, or a combination thereof (Maes: paragraph 0048 through paragraph 0052).

Referring to claim 3. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider (Maes: paragraphs 0050).

Referring to claim 4. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data sending rank in accordance with the notified items (Maes: paragraph 0054).

Referring to claim 5. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Referring to claim 6. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claim 7. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider ((Maes: paragraph 0048 through paragraph 0052).

Referring to claim 8. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data sending rank in accordance with the notified items (Maes: paragraph 0054 through paragraph 0055).

Referring to claim 9. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Art Unit: 3625

Referring to claim 10. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claims 17-20. Claims 17-20 are rejected under the same rationale as set forth above in claims 1-10.

Referring to claims 21-22. Claims 21-22 are rejected under the same rationale as set forth above in claims 1-10.

Referring to claim 23. Claims 23 is rejected under the same rationale as set forth above in claims 1-10.

Referring to claim 24. Claims 24 is rejected under the same rationale as set forth above in claims 1-10.

Application/Control Number: 09/839,141

Art Unit: 3625

Response to Arguments

Applicant's arguments filed 2/23/2006 with respect to the pending claims were considered but are not persuasive.

The Applicant argues that the Office Action mailed on 5/9/2006 contains conflicting statements.

The Examiner notes, the Office Action mailed on 5/9/2006 clearly set forth that Maes does not disclose upon receiving an article search by a user, the <u>more</u> similar the results are in the features, the <u>more</u> closely the results are disposed and sending the search resultant article pictures in accordance with the data sending rank.

Maes however does disclose upon receiving an article search by a user, generating article picture arrangement data of all search resultant article pictures in which <u>similar</u> search resultant article pictures are disposed on a two-dimensional plane (Maes: paragraph 0051 through paragraph 0052 and paragraph 0059).

Shultz was used to supply the deficiency found in the Maes reference. As previously notes, at the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

The Examiner notes, the term "similar" in the pending claims were given their broadest reasonable interpretation consistent with the specification." In re Hyatt, 211 F.3d1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). The scope of the term

Art Unit: 3625

"similar" is unclear and open-ended. Furthermore, the specification as originally filed does not adequately demonstrate a standard for measuring said similarity.

The Applicant argues, that Shultz is limited to sorting results based on closest proximity to location data and at best describes a one-dimensional sorting based on a standard that is not related to the similarity of article pictures as search results.

The Examiner notes, Shultz discloses a method wherein information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user (Shultz: paragraph 0060). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

Art Unit: 3625

The Applicant argues that Shultz does not teach or suggest the claimed display order or articles as search results; instead Shultz is limited to an interface displaying search results on a map.

The Examiner notes, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 3625

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG

Primary Examiner August 28, 2006